

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

ETHAN RADVANSKY, on behalf of
himself and those similarly situated,

Plaintiff,

v.

KENDO HOLDINGS, INC., d/b/a Fenty
Beauty,

Defendant.

Case No. 3:23-cv-00214-LMM

**DEFENDANT KENDO HOLDINGS, INC.'S NOTICE OF
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS
MOTION FOR JUDGMENT ON THE PLEADINGS**

1. On August 4, 2025, Defendant Kendo Holdings, Inc. (“Kendo”) filed its Motion for Judgment on the Pleadings (the “Motion”), contending *inter alia* that Section 227(c) of the Telephone Consumer Protection Act “applies only to ‘calls’ and not text messages.” DE 43-1 at 14. In support, Kendo cited a recent case from the Central District of Illinois so holding. *Id.* at 9 (citing *Jones v. Blackstone Med. Servs., LLC*, 2025 WL 2042764, at *3–4 (C.D. Ill. July 21, 2025)).

2. On October 23, 2025, Kendo filed a Reply in Support of its Motion, reiterating that argument. DE 49. In support, Kendo cited a decision from the Northern District of Florida that was published after Kendo filed its Motion, which held that “a text message is not a ‘telephone call.’” *Id.* at 6 (citing *Davis v. CVS Pharmacy, Inc.*, __ F. Supp. 3d __, 2025 WL 2491195, at *1 (N.D. Fla. Aug. 26, 2025) (C.J. Winsor)).

3. The next day, on October 24, 2025, the Middle District of Florida issued an opinion endorsing the *Davis* decision and holding: “the statutory text here is clear, and a text message is not a ‘telephone call.’” *El Sayed v. Naturopathica Holistic Health, Inc.*, No. 8:25-CV-00847-SDM-CPT, 2025 WL 2997759, at *1 (M.D. Fla. Oct. 24, 2025) (quoting *Davis*, 2025 WL 2491195, at *1).

4. The *El Sayed* decision marks the second court within the Eleventh Circuit to hold that a text message is not a “telephone call” under Section 227(c). No court in this Circuit has held to the contrary post-*McLaughlin*.

5. Kendo therefore submits the Middle District of Florida's decision in *El Sayed* as supplemental authority in support of its Motion.

Respectfully submitted this 11th day of November, 2025.

/s/ Lori Chang

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Attorneys for Defendant Kendo Holdings, Inc.

CERTIFICATE OF COMPLIANCE

Counsel hereby certifies that the text of this document has been prepared with Times New Roman 14-point font, one of the font and point selections approved by the Court in Local Rule 5.1(C).

/s/ Lori Chang

Lori Chang

CERTIFICATE OF SERVICE

This is to certify that on November 11, 2025, I electronically filed the foregoing **DEFENDANT KENDO HOLDINGS, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY** with the CM/ECF efilings system, which will automatically send email notification of such filing to attorneys of record.

This 11th day of November, 2025.

/s/ Lori Chang
Lori Chang